

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1996.

OWNER OF RECORD: ~~DOMINIC E BATTUELLO~~

*Deceased December 10, 1995*

*Ellen L. Battuello TTEE Battuello Family Trust dtd Jan 28, 1994*

DOMINIC E BATTUELLO

3350 EHLERS LANE

ST HELENA, CA 94574

SOURCE: NAPA RIVER

TRIBUTARY TO: SAN PABLO BAY

COUNTY: NAPA

DIVERSION

STATEMENT NO: S000040

BATT350\* 945743019 1095 05/21/96

NOTIFY SENDER OF NEW ADDRESS

BATTUELLO

PO BOX 506

SAINT HELENA CA 94574-5006

TELEPHONE NUMBER:

(707) 963-2401

YEAR OF FIRST USE: 1909

PARCEL NO:

WITHIN: SW¼ OF SE¼ SECTION 14, T8N, R6W, MB&M

A. Water is used under: Riparian claim ☒; Pre 1914 right ☒; Other (explain) \_\_\_\_\_

B. Year of first use (Please provide if missing above) \_\_\_\_\_

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

*1 Gallons/hr / vine - 872 vines / per ac. 5x10 spacing*  
Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_  
*New PLANTING*

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT	OCT.	NOV.	DEC	TOTAL ANNUAL
1993													
1994													
1995													

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation *Drip* \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_

Other (specify) *Vineyard* \_\_\_\_\_

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

*damage* *Replaced Power Panel due to flood*

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, California

SIGNATURE: *Ellen L. Battuello*

PRINTED NAME: *Ellen* (FIRST NAME) *L.* (M. NAME) *Battuello* (LAST NAME)

COMPANY NAME: *Battuello Family Trust TTEE JAN-28-94*

See back of page for General Information. If there is insufficient space for your answers, please number them in the space provided on the back of this form.

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
901 P ST. SACRAMENTO, CA 95814  
(916) 322-4503  
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 000040

DOMINIC E BATTUELLO, owner  
3350 EHLERS LANE  
ST HELENA, CA 94574

Leasee: CRAIG E. Battuello  
3350 Ehlers Ln  
St. Helena, CA 94574  
TELEPHONE NUMBER:  
(707) 963-2401

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: NAPA RIVER

TRIBUTARY TO: SAN PABLO BAY

COUNTY: NAPA

DIVERSION

WITHIN: SW1/4 OF SE1/4 SECTION 14, T08N, R06W, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1993. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☒ Gallons  
☐ Acre-feet  
☐ \_\_\_\_\_ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1990	0	0	0	0					/	/	/	0	
1991	0	0	0	0	/	/	/	/	/	/	/	0	
1992	0	0	0	0	/	/	/	/	/	/	/	0	

B. Purpose of Use - Specify (number of acres) irrigated, stock watered, persons served, etc.

Irrigation 14 CURRENTLY GRAPE VINES - 53 ACRES PLANTED

Stockwatering ACRES / REMAIN TO BE SET UP FOR DRIP

Domestic IRRIGATION - 1 GAL/pen/hr/VINE April - Aug 5

Other (specify) AFTER HARVEST OCT - NOV 622 VINES / ACRE

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

14 SETTINGS RUN 3-5 DAYS WITH 7-10 DAY SETS  
No. of GALS depends ON how hot SUMMER TEMPS. AND  
SIZE OF CROP AND STRESS ON VINES. 24 hr. SETS

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

No Reclaimed Water - WATER FROM RIVER & WELL

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: July 11-93, 1993, at St. Helena, California

Signature: Craig Battuello

# STATEMENT OF WATER DIVERSION AND USE

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water DOMINIC E BATTUELLO  
Address 3350 EHLERS LANE St. Helena CALIFORNIA

B. Name of body of water at point of diversion NAPA RIVER

Tributary to

500 ft south of mill creek junction on napa river

C. Place of diversion 1/4 Section 19, Township 8N, Range 6W, Mt. Diablen.

NAPA County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks. Corn Humano Rancho

Cada area 85001 map 12 Pg B14 100 April 02

D. ~~Now not water~~ also irrigate land owned by M Battuello - 03, 04 & 05

E. Capacity of diversion works Electric pump 16.7 gal per min.

Capacity of storage reservoir none

State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
<u>rate</u>	<u>Coverage Pumping</u>	<u>2 hrs. per day</u>											

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

Maximum annual water use in recent years

Minimum annual water use in recent years

Type of diversion facility: gravity

Method of measurement: weir

Method of measurement: weir

Method of measurement: weir

Method of measurement: weir

Method of measurement: weir

Method of measurement: weir

Method of measurement: weir

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F. Purpose of use (what water is being used for) Irrigation pasture orchard 30 acre & 35 acre of grapes & dry grass.

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)  
65 acre south of mill creek and west of Napa River

H. Year of first use as nearly as known of record 1961 about 1909

I. Name of person filing statement Dominic E. Battuello

Position owner owner & operator Organization

Address 3350 Ehlers Lane

I certify that the foregoing statements are true correct to the best of my knowledge and belief.

Date signed Nov. 15-66

Dominic E. Battuello

See Instructions on Reverse Side

2-009 10

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

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**PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999**

**OWNER OF RECORD:** BATTUELLO FAMILY TRUST TTEE JAN 28 1994

BATTUELLO FAMILY TRUST TTEE JAN 28 1994  
C/O ELLEN L BATTUELLO  
PO BOX 506  
ST HELENA, CA 94574-5006

**STATEMENT NO:** S000040

**SOURCE:** NAPA RIVER  
**TRIBUTARY TO:** SAN PABLO BAY  
**COUNTY:** NAPA  
**DIVERSION**

**WITHIN:** SW¼ OF SE¼ SECTION 14, T8N, R6W, MB&M.

**TELEPHONE NUMBER:**  
(707) 963-2401  
**YEAR OF FIRST USE:** 1909  
**PARCEL NO:**

A. **Water is used under:** Riparian claim \_\_\_\_\_ Pre 1914 right ☒ Other (explain): \_\_\_\_\_

B. **Year of first use** (Please provide if missing above) 1909

C. **Amount of Use** - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons \_\_\_\_\_ Acre-feet \_\_\_\_\_ Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1996						X	X						
1997						X	X						
1998						X	X						

D. **Purpose of Use** - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 24.49 acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_

Other (specify) vineyard irrigation

E. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. **Conservation of water**

a. Describe any water conservation efforts you may have started: irrigation through early 1970's

b. was portable line, surface rainbird. In 1983-85, drip line with 2 emitters/vine 1 gal to 2 gal. used.

c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

2. **Water quality and wastewater reclamation**

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO ☒

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1996						X	X						
1997						X	X						
1998						X	X						

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c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

2. Water quality and wastewater reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO ☒

STATE WATER RESOURCES CONTROL BOARD  
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- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO ☒

- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

x DATE: April 22, 19 99 at P.O. Box 506, St Helena, CA 94574 -0506 California

x SIGNATURE: Ellen L. Battuello

PRINTED NAME: Ellen L. Battuello  
(first name) (middle init.) (last name)

COMPANY NAME: Battuello Family Trust TTEE

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION


STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
SACRAMENTO  
99 APR 26 PM 3:12

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and per 1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.